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Attorneys for Defendant  
FIDELITY NATIONAL TITLE INSURANCE COMPANY

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

HSBC BANK USA, N.A.,

Plaintiff,  
vs.

FIDELITY NATIONAL TITLE  
INSURANCE COMPANY and LAWYERS  
TITLE INSURANCE CORPORATION,

## Defendants.

Case No.: 3:19-cv-00265-MMD-WGC

## **STIPULATION AND ORDER TO EXTEND DISCOVERY**

## (First Request)

Plaintiff HSBC Bank USA, National Association, as Trustee for the Registered Holders of Nomura Home Equity Loan, Inc., Asset-Backed Certificates, Series 2006-HE2 (“HSBC”) and defendant Fidelity National Title Insurance Company (“Fidelity”) (collectively, the “Parties” and individually, a “Party”), by and through their counsel of record, hereby submit their Stipulation to Extend Discovery Deadlines by approximately ninety (90) days in accordance with Local Rule 26-4 and Local Rule IA 6-1.

In accordance with Local Rule 26-4, this Stipulation has been brought in good faith, is the first request for an extension of time to the discovery deadlines and is not intended to cause delay.

**(a) A statement specifying the discovery completed:**

The Parties conducted the Fed. R. Civ. P. 26(f) conference on July 19, 2019. Thereafter, the Parties promptly submitted their proposed Joint Discovery Plan and Scheduling Order on July

1 26, 2019 [ECF No. 14]. On September 17, 2019, the Court entered the Discovery Plan and  
2 Scheduling Order [ECF No. 15] with the following deadlines:

- 3 • Initial disclosures: August 30, 2019;
- 4 • Amend pleadings/add parties: December 3, 2019;
- 5 • Initial experts: January 2, 2020;
- 6 • Interim status report: January 2, 2020;
- 7 • Rebuttal experts: February 3, 2020;
- 8 • Discovery cutoff: March 2, 2020;
- 9 • Dispositive motions: April 1, 2020; and
- 10 • Joint proposed pretrial order: May 1, 2020, or 30 days after resolution of  
11 dispositive motions.
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14 Thereabouts and thereafter, the Parties completed the following discovery:

- 15 • The Parties' Initial Disclosures, August 30, 2019;
- 16 • HSBC's First Set of Interrogatories to Fidelity, August 6, 2019;
- 17 • HSBC's First Set of Requests for Admissions to Fidelity, August 6, 2019;
- 18 • HSBC's First Set of Requests for Production to Fidelity, August 6, 2019;
- 19 • Fidelity's Responses to HSBC's First Set of Interrogatories to Fidelity, September  
20 5, 2019;
- 21 • Fidelity's Responses to HSBC's First Set of Requests for Admissions to Fidelity,  
22 September 5, 2019;
- 23 • Fidelity's Responses to HSBC's First Set of Requests for Production to Fidelity,  
24 September 5, 2019;
- 25 • Fidelity's First Set of Requests for Production to HSBC, September 9, 2019;
- 26 • Fidelity's First Set of Interrogatories to HSBC, September 9, 2019;
- 27

- 1       • Fidelity's Notice of Intent to Serve Subpoena Duces Tecum, September 26, 2019;
- 2       • HSBC's First Supplemental Disclosures of Witnesses and Documents, November
- 3              13, 2019;
- 4       • HSBC's Responses to Fidelity's First Set of Requests for Production to HSBC,
- 5              November 15, 2019;
- 6       • HSBC's Responses to Fidelity's First Set of Interrogatories to HSBC, November
- 7              15, 2019;
- 8       • The Parties' Initial Expert Witness Disclosures, January 2, 2020; and
- 9       • The Parties' Rebuttal Expert Witness Disclosures, February 3, 2020.

11           **(b) A specific description of the discovery that remains to be completed:**

12           The Parties need to conduct the following discovery:

- 14       • Additional subpoenas to non-parties;
- 15       • Deposition of Fidelity's Rule 30(b)(6) designee;
- 16       • Deposition of HSBC's Rule 30(b)(6) designee;
- 17       • Deposition of Fidelity's expert witness;
- 18       • Deposition of HSBC's expert witness;
- 19       • Deposition of various fact witnesses; and
- 20       • Such other discovery that may be deemed necessary or appropriate.

22           **(c) The reasons why the deadline was not satisfied or the remaining discovery was**  
23           **not completed within the time limits set by the discovery plan:**

24           The Parties have been diligently proceeding with discovery, and have nearly completed it  
25          but more time is needed to schedule the necessary depositions of the Parties, experts and of third  
26          parties. Due to the schedules of the various witnesses, the Parties' counsel, and the Parties'  
27          representatives, many of which reside out-of-state, and other circumstances which are outside the  
Parties' control, the Parties will not be able to schedule the depositions to all be completed prior

1 to the current discovery cutoff of March 2, 2020. Additionally, the Parties recently entered into a  
2 protective order prior to the production of certain documents, which was granted by the Court on  
3 February 6, 2020 [ECF No. 32]. The production of the confidential documents under protective  
4 order is necessary before the Parties can conduct certain depositions. An extension to the  
5 discovery deadlines would provide the Parties with sufficient opportunity to compile and disclose  
6 these voluminous documents prior to depositions.

7                   **(d) A proposed schedule for completing all remaining discovery:**

8                   The Parties request that the current Discovery Plan and Scheduling Order [ECF No. 14]  
9 be amended as follows:

10                  1. Last Day to Complete Discovery: currently March 2, 2020; **desired June 1, 2020**  
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12                  2. Last Day to File Dispositive Motions: currently April 1, 2020; **desired July 1, 2020**

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1           3. Last Day to File Joint Pre-Trial Order: currently May 1, 2020; **desired July 31, 2020.**

2           In the event dispositive motions are filed, the date for filing the joint pretrial order  
3           shall be suspended until thirty (30) days after a decision of the dispositive motions.  
4           The disclosures required by FRCP 26(a)(3), and any objections thereto, shall be  
5           included in the pretrial order.

6           **IT IS SO STIPULATED.**

7           DATED this 6th day of February, 2020.

8           **WRIGHT, FINLAY & ZAK, LLP**

9           /s/ Lindsay D. Robbins

10          Lindsay D. Robbins, Esq.  
11          Nevada Bar No. 13474  
12          7785 W. Sahara Ave., Suite 200  
13          Las Vegas, NV 89117  
14          *Attorney for Plaintiff, Wilmington Trust,  
15          National Association, not in its individual  
16          capacity but as Trustee of ARLP  
17          Securitization Trust, Series 2014-2*

7           DATED this 6th day of February, 2020.

8           **EARLY SULLIVAN WRIGHT GIZER &  
9           MCRAE LLP**

10          /s/ Sophia S. Lau

11          Kevin S. Sinclair, Esq.  
12          Nevada Bar No. 12277  
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17          *Attorneys for Defendant, Fidelity National  
18          Title Insurance Company*

16           **IT IS SO ORDERED.**

17          DATED February 10, 2020.

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19          UNITED STATES MAGISTRATE JUDGE